

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

APR 30 2025

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
FIDEL FLORES GARDUNO,)
Defendant.)

4:25CR230 MTS/PLC

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Nicholas H. Lake, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the Government states as follows:

1. Defendant is charged with Unlawful Re-entry into in the United States by a Removed Alien, in violation of Title 8, United States Code, Section 1326.

2. The facts are as follows: On April 23, 2025, the defendant was arrested by the St. Peters Police Department for expired license plates, driving without a license, no insurance ID card in vehicle, and failing to wear a seatbelt. St. Peters PD contacted the ICE ERO Duty Agent in St. Louis, Missouri about the defendant possibly being in the U.S. without authorization after he failed to produce any identifying documentation. After a telephone interview, a detainer was issued. On April 24, 2025, the defendant was transferred to ICE custody without incident.

The defendant is a citizen and native of Mexico. He does not have any valid immigration documents to lawfully be in the U.S. The defendant was previously issued an expedited removal by the United States Border Patrol near Nogales, Arizona on November 16, 2019, and was removed on November 19, 2019, through Nogales, Arizona Port of Entry. There is nothing found in the defendant's file, or in the immigration systems, to indicate that he ever applied for or received consent/permission to re-apply for admission into the U.S. following his removal. The defendant should not be in the United States and is here unlawfully after being removed by official immigration officials at least one time before.

3. Pursuant to Title 18, United States Code, Section 3142(g),

(a) the weight of the evidence against the defendant – the defendant is currently in the Eastern District of Missouri after having been removed from the United States once before. The defendant's presence in this country is unlawful;

(b) the defendant's history and characteristics – the defendant is a citizen of Mexico and has no legal status in this country;

These factors warrant the defendant's detention pending trial. Further since the defendant is not a United States citizen and is not lawfully in the United States, he is a serious flight risk.

WHEREFORE, there are no conditions or combination of conditions that will reasonably assure the defendant's appearance as required and the safety of any other person and the

community and the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/Nicholas H. Lake

NICHOLAS H. LAKE, #71049MO
Assistant United States Attorney
Thomas F. Eagleton Courthouse
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102